

**[These are proposed findings of fact that would form the basis for the Board of County Commissioners deciding to pass any code revisions relating to marijuana use. They would not themselves have any legal force.]**

WHEREAS marijuana production and processing pose special building and fire safety concerns, as recognized by the Washington Liquor Control Board in WAC 314-55-020(11) and WAC 314-55-104(3)–(5) and by the Washington State Building Code Council’s promulgation of marijuana-specific building and fire code amendments;

AND WHEREAS marijuana production and processing pose special solid and liquid waste concerns, as recognized by the Washington Liquor Control Board in WAC 314-55-097, because wastes from these activities may require special handling as hazardous wastes or industrial wastewater;

AND WHEREAS marijuana production poses special wastewater concerns specifically in unincorporated Lewis County, because septic systems are not equipped to handle hydroponic or aquaponic wastewater containing high concentrations of pesticides or fertilizers;

AND WHEREAS marijuana producers, processors, and retailers pose special solid waste concerns in light of the Washington Liquor Control Board’s special rules for the disposal of marijuana-related waste, codified in WAC 314-55-097(4)–(6);

AND WHEREAS marijuana producers, processors, and retailers pose special law enforcement concerns because of such businesses’ difficulty banking or using credit, forcing them to have cash on hand;

AND WHEREAS marijuana producers, processors, and retailers pose special law enforcement and land use concerns from their connection with an intoxicating commodity;

AND WHEREAS marijuana producers, processors, and retailers pose special land use concerns under the Growth Management Act and Lewis County’s development regulations, which require the preservation of Lewis County’s rural character;

AND WHEREAS the Washington’s Liquor Control Board’s regulations primarily regulate the marijuana market from an economic and consumer-safety standpoint, but cross-reference and presuppose that local jurisdictions will address the building and fire, waste, water, and zoning issues of such businesses, as shown by WAC 314-55-020(11) (zoning, building, and fire), WAC 314-55-104(5) (building and fire), and WAC 314-55-097(6) (waste);

AND WHEREAS the growing and processing of medical marijuana, which was mostly subsumed within the market for recreational marijuana by Ch. 70 Laws of 2015, are subject to similar County regulation under RCW 69.51A.260(3) and 69.51A.250(3)(c);

AND WHEREAS marijuana businesses face unexpected regulatory difficulties from their recent illegality under Washington law and continuing illegality under federal law, including difficulties of taxation, corporate structure, cash flow, debt, and employment law, which require the County’s regulations to be adaptable to changes as marijuana business activity evolves;

AND WHEREAS the Washington Liquor Control Board regulation WAC 314-55-020(9) requires a marijuana licensee to develop a detailed operating plan demonstrating compliance, which operating plan can be expanded to include compliance with local building and fire, waste, and zoning laws;

NOW THEREFORE, Lewis County hereby adopts the following code provisions, designed to license marijuana businesses in a manner consistent with the Washington Liquor Control Board regulations and all other applicable law including federal law, and to provide a mechanism whereby the numerous special concerns posed by marijuana businesses may be addressed conscientiously, as follows: